

**Remarks**

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

1. Status of the Claims

Claims 1-14 and 17-26 were pending in the application, of which Claims 1-7 are allowed and Claims 8-14 and 17-26 stand rejected. In this response, Claims 8-14, 17, 18, 20, and 21 have been amended and no claims have been added or canceled.

2. Summary of the Amendments

Claims 8, 12-14, 17, 18, 20, and 21 have been amended to explicitly recite the chemical name of the compound and to insert Compound (Ia) in parentheses to provide antecedent basis to refer to the compound as Compound (Ia) in dependent claims. Support for the amendment is found in the specification at page 1, lines 24-26. Dependent Claims 9-11 have been consequently amended.

Claim 14 has also been amended to delete "prophylaxis" from the methods claimed and to define the clinical condition to be treated as "asthma or chronic obstructive pulmonary disease". Support for the amendment is found in the specification at least at page 1, lines 10-12.

No new matter has been added. Entry of the amendments is respectfully requested.

3. Rejections under 35 U.S.C. § 112, first paragraph

Claims 14 and 24 were rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to satisfy the enablement requirement.

The Office acknowledges the specification is "enabling for the treatment of specific disease states" (Office Action, page 2). Claim 14, as amended, recites a method for the treatment of the specific disease states of "asthma and chronic obstructive pulmonary disease".

Accordingly, Claim 14, and Claim 24 dependent therefrom, satisfy the enablement requirement and the present rejection under 35 U.S.C. § 112 first paragraph should be withdrawn.

4. Rejections under 35 U.S.C. § 112, second paragraph

Claims 8-14 and 17-26 were rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to identify the compound set forth therein by structure. The amendments to independent Claims 8, 12-14, 17, 18, 20, and 21 identify the compound by the complete chemical name, as required by the Office Action. Accordingly, the present rejection of Claims 8-14 and 17-26 may be withdrawn

5. Conclusions

In view of the foregoing, Applicants submit the application with pending Claims 1-14 and 17-26 is in condition for allowance and prompt issuance of a Notice of Allowability is respectfully requested. Should there be any issues regarding this application that can be resolved by telephone, the Examiner is respectfully requested to telephone the undersigned agent for Applicants at (650) 808-3764 (direct).

Respectfully submitted,  
THERAVANCE, INC.

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